

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SHANE GRESSEL,

Plaintiff,

v.

Case No. 15-CV-0180

JAMES THORPE, et al,

Defendants.

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**MOTION TO SET A NEW TRIAL DATE**

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Defendants James Thorpe and Karen Anderson, through their undersigned counsel, move the Court to set a new trial date for the above case due to the court's recent rescheduling of the trial. In the alternative, counsel requests that the Court reassign this case to a different judge if it is possible for the trial to still be held on the dates originally set by the court. The basis for this motion is as follows:

On October 24, 2016, the Court issued a Scheduling Order in this case. (Dkt. 15:6 (Scheduling Order).) Pursuant to the Court's Scheduling Order, trial was to begin on October 23, 2017, and was set to last for two to three days, ending on October 25. (Dkt. 15:6 (Scheduling Order).) On today's date, the Court reset the trial date, and set trial to begin on October 26, 2017. However,

this newly rescheduled trial date creates a substantial hardship and prejudices the Defendants for the following reasons.

One of the Defendants' primary witnesses, Dr. William Giswold, is unavailable to testify on both October 26 and October 27. On October 26, Dr. Giswold is scheduled to work and cannot reschedule on such short notice. On October 27, Dr. Giswold is flying out of Wisconsin for a prearranged out of state vacation. In addition, rescheduling the staff required to be present at the trial, including security officers for transport, Defendants, and other witnesses on two weeks' notice works a substantial hardship on the Department of Corrections. Due to staff shortages, staff absences create severe disruption in scheduling. Absences for trial are accommodated well in advance of the trial date to ensure staff coverage.

Defendants assert that they have shown good cause for relief from today's scheduling order. Defendants respectfully request that the Court either transfer the trial to a different judge who may be able to accommodate the original trial date, or set a conference call to set a new trial date with enough advance notice to the parties, counsel, and witnesses to ensure all parties are adequately available for trial.

No brief will be filed with this motion.

Dated this day the 12th of October, 2017

Respectfully submitted,

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Wisconsin Attorney General

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